

### **REMARKS**

This application has been reviewed in light of the Office Action dated April 17, 2009. Claims 1, 3-9 and 11-20 are pending in the application. By the present amendment, claims 2 and 10 have been cancelled without prejudice. Also, by the present amendment, claims 1, 3, 4, 9, 11 and 20 have been amended. No new matter has been added. The Examiner's reconsideration of the rejection in view of the amendments and the following remarks is respectfully requested.

#### **Claim Objections**

By the Office Action, claims 2-4 are objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner states that "a second game," as recited in claims 2 and 4, is already recited in claim 1.

By the present amendment, claim 2 has been cancelled and claim 4 has been amended to recite, *inter alia*, "wherein the second game..." Thus, claim 4 further defines the second game recited in claim 1. Applicants believe that claim 4 is now in proper dependent form. Reconsideration of the objection is respectfully requested.

#### **Abstract**

The Office Action notes that the abstract of the disclosure does not commence on a separate sheet. By the present amendment, a new abstract is presented on a separate sheet (see page 7).

### **Rejections under 35 U.S.C. 112, First Paragraph**

By the Office Action, claims 9-10 are rejected under 35 U.S.C. 112, First Paragraph, as failing to comply with the enablement requirement. More specifically, the Examiner states that the specification does not disclose how a wireless channel can load a transportable medium (hardware) onto a gaming server.

By the present amendment claim 9 has been amended to recite, “*providing the ability to load the saved character from the transportable medium onto the second gaming server.*” This process is described at least on page 5, lines 23-26 and page 7, line 24 - page 8, line 3 of the present specification. Therefore, the applicants submit that one skilled in the art would certainly know how to make/use the invention claimed in amended claim 9. Reconsideration of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. 112, Second Paragraph**

By the Office Action, claims 1-4 and 8-18 are rejected under 35 U.S.C. 112, Second Paragraph as being indefinite. In particular, the Examiner states that the claims do not set forth any active positive steps. Although the applicants disagree, by the present amendment, claims 1 and 11 have been amended to recite, inter alia, “*saving the selected savable character onto the transportable storage medium*” to further prosecution of this case. The applicants believe that this amendment positively recites a step, *i.e.*, saving the character. Thus, the applicants believe that claims 1, 11 and all claims dependent therefrom are not indefinite under 35 U.S.C. 112, Second Paragraph. Reconsideration of the rejection is respectfully requested.

Also by the Office Action, claims 2-4 are rejected under 35 U.S.C. 112, Second Paragraph as being indefinite. In particular, the Examiner states that “the future” recited in claim 2 and “the first WLAN hotspot” recited in claim 4 lack antecedent bases. By the present amendment, claim 2 has been cancelled. In addition, claim 4 has been amended to recite, inter alia, “the first gaming server,” which clearly has an antecedent basis in claim 1. Reconsideration of the indefiniteness rejection is respectfully requested.

### **Rejections under 35 U.S.C. 101**

By the Office Action, claims 1-19 are rejected under 35 U.S.C. 101 as not being directed to statutory subject matter. More specifically, the Examiner asserts that a method including steps of providing a device do not tie the method to a particular machine or transform underlying subject matter into a different state or thing.

Although the applicants disagree, by the present amendment, claims 1 and 11 have been amended to recite, inter alia, “saving the selected savable character onto the transportable storage medium” to further prosecution of this case. The recitation of a transportable storage medium surely ties claims 1 and 11 to a particular machine or apparatus. Moreover, the step of saving the character to that storage medium cannot be done mentally or verbally; the storage medium itself is needed in order to perform the saving step.

In addition, the step of saving the character onto the storage medium transforms the storage medium into a different state or thing. More specifically, it changes the storage medium from a state without the selected character into a state which stores the character.

For at least the above reasons, the applicants assert that claims 1 and 11 are certainly directed to statutory subject matter. Furthermore, the applicants assert that claims 3-9 and 12-19 are directed to statutory subject matter at least by virtue of their dependencies from claims 1 and 11. Reconsideration of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. 103(a)**

By the Office Action, claims 1-9 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paulsen (U.S. Patent Publication 2005/0153768) in view of Giobbi (U.S. Patent No. 6,800,027).

As an initial matter, the applicants note that claim 10 has not been rejected under 103(a). As such, the applicants believe that claim 10 as previously presented is patentable over Paulsen and Giobbi, taken alone or in combination. By the present amendment, claim 10 has been cancelled and independent claims 1, 11 and 20 have been amended to include the subject matter originally claimed by claim 10. Claims 1 and 11 now recite, inter alia, *“providing the ability to transport the savable character from the first gaming server to a second gaming server.”* Claim 20 also recites the same subject matter. Neither Paulsen nor Giobbi remotely suggest this feature. The Examiner has implicitly acknowledged that Paulsen and Giobbi fail to obviate this feature by not rejecting claim 10 under 103(a) in the Office Action. As such, the applicants will make no further comment regarding the subject matter of claim 10 at this time. Therefore, the applicants assert that claims 1, 11 and 20, as amended, are distinct and patentable over Paulsen and Giobbi. Further, claims 3-9 and 12-19 are believed to be patentable over the cited references at least by virtue of their dependence from claims 1 and 11.

In addition, the applicants believe that claims 1, 11 and 20 are patentable over Paulsen and Giobbi for additional reasons. Paulsen is directed to a method for providing a bonus on a gaming machine. Paulsen teaches tracking a player using a player tracking card inserted to the machine and providing bonuses based on information stored about the player on the card.

Paulsen does not teach or suggest “*providing at least one first selectable game at said first gaming server **having at least one savable character**,*” as recited in claim 1 and essentially recited in claim 11. Paulsen makes absolutely no mention of a game having savable characters.

In fact, it is clear that Paulsen is directed to casino gaming machines such as slots and video poker, which do not contain any characters (see, e.g. paragraph [0005] of Paulsen). In contrast, the present invention is specifically directed to savable game characters. As defined on page 1, lines 12-15 of the present specification “the term ‘character’ as used herein refers to the user's in-game persona, such as a person in the game, a car, robot, etc.”

Paulsen clearly is not directed towards games with in-game personas. Rather, Paulsen is only directed to storing information about the human player of the game, *i.e.*, the user him/herself. For example, as described in paragraph [0048], the card described in Paulsen holds information like “a player’s name, address, and player tracking account number.” This certainly is not directed to an in-game character. Further, it is well-known in the art that a character (a user’s in-game persona) is not the same as the user him/herself. Therefore, it is quite clear that Paulsen does not disclose or suggest “*providing at least one first selectable game at said first gaming server having at least one savable character,*” as recited in claim 1 and essentially recited in claim 11.

In addition, since Paulsen does not contemplate games having characters, Paulsen also fails to teach or suggest “*providing the capability to select to save the savable character at an arbitrary point in the first game onto a transportable storage medium to retain a current saved character*” and “*saving the selected savable character onto the transportable storage medium,*” as recited in claim 1 and essentially recited in claims 11 and 20. Moreover, as demonstrated above, paragraph [0048] of Paulsen makes clear that no characters are saved onto Paulsen’s card. Instead, the card only stores information about the human user.

Furthermore, as acknowledged by the Examiner, Paulsen does not disclose that “*the saved character is loadable in a second game independent of the first game,*” as recited in claims 1 and 20 and essentially recited in claim 11 (Office Action page 5). Since the Examiner has acknowledged this point, the applicants will not discuss it any further.

Thus, it is quite clear that Paulsen does not teach or suggest all of the features of claims 1, 11 and 20.

Giobbi does not cure the deficiencies of Paulsen. Giobbi is directed to a method for saving the status of a paused game of chance. Giobbi teaches that when a game is paused, the status of the game is stored in a central database along with a personal identifier for the user. Using the personal identifier, the user may then resume play from the point where the game was paused.

Giobbi clearly does not disclose or suggest “*providing at least one first selectable game at said first gaming server **having at least one savable character**,*” as recited in claim 1 and essentially recited in claim 11. Like Paulsen, Giobbi is directed to “games of chance,” *i.e.*, casino gaming machines such as slots and video poker (see, e.g. title and col. 1, lines 15-18 of

Giobbi). It is well known in the art that casino games do not contain any savable game characters. Thus, it is quite clear that Giobbi does not contemplate a game having savable characters. As such, Giobbi does not teach or suggest “*providing at least one first selectable game at said first gaming server having at least one savable character,*” as recited in claim 1 and essentially recited in claim 11.

Moreover, like Paulsen, since Giobbi fails to disclose or suggest games having characters, Giobbi clearly does not contemplate “*providing the capability to select to save the savable character at an arbitrary point in the first game onto a transportable storage medium to retain a current saved character*” and “*saving the selected savable character onto the transportable storage medium,*” as recited in claim 1 and essentially recited in claims 11 and 20.

Furthermore, the Examiner cites col. 9, lines 5-21 of Giobbi as teaching “*the current saved character is loadable for play in a second game independent of said first game,*” recited in claims 1 and 20 and essentially in claim 11. However, the cited portion of Giobbi teaches loading “the saved status” of the first game into a second game. Thus, the entire game status is saved from the first game and loaded into the second. In contrast, the present invention saves the character independent of the game itself. This distinction is made clear on page 3, lines 26-29 of the present specification: “Advantageously, the present invention ‘saves’ or stores a character and its attributes independent of the game, and is not to be confused with merely saving a point in the game.” As noted above, the cited portion of Giobbi clearly saves a point in the game, not only a character. Hence, Giobbi certainly does not teach or suggest “*the*

*current saved character is loadable for play in a second game independent of said first game,”*  
recited in claims 1 and 20 and essentially in claim 11.

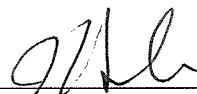
Therefore, for at least the reasons discussed above, claims 1, 11 and 20 are believed to be distinct and patentable over Paulsen and Giobbi, taken singly or in combination. In addition claims 3-9 and 12-19 are believed to be patentable over the cited references at least by virtue of their dependence from claims 1 and 11. Reconsideration of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the claim now pending in the application is in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account.

Respectfully submitted,

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